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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
NEW JERSEY STATE
REAL ESTATE APPRAISER BOARD

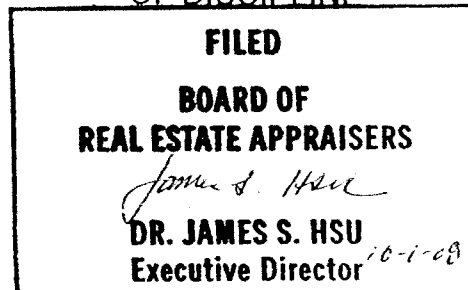
IN THE MATTER OF THE
LICENSE OF

ANA C. DUARTE
RA 00294400

TO ENGAGE IN REAL ESTATE
APPRAISING IN THE
STATE OF NEW JERSEY

Administrative Action

FINAL ORDER
OF DISCIPLINE



This matter was opened to the New Jersey State Real Estate Appraiser Board ("the Board") upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Respondent is a licensed residential real estate appraiser in the State of New Jersey, and has been a licensee of the Board at all times relevant hereto.
2. On or about February 11, 2008, the Board conducted a continuing education audit, asking a random sampling of its licensees for documentation of having completed the continuing education requirements set forth in N.J.A.C. 13:40A-5.3 and N.J.A.C. 13:40A-5.4 for the 2006-2007 licensing period. The request for information

was sent by regular mail to licensees at their address of record.

3. Respondent replied to the audit, indicating that she had not completed any continuing education courses during the 2006-2007 licensing period, and as of the date of her response had only completed twenty one (21) credit hours continuing education courses, all in 2008. She also indicated that she had difficulties in the course of renewing her license on-line.

4. Respondent certified upon respondent's renewal application for the 2008-2009 licensure renewal period that respondent had completed the continuing education requirements during the previous biennial renewal period.

5. Respondent certified upon respondent's renewal application for the 2008-2009 licensure renewal period that respondent had completed a course in the Uniform Standards of Professional Appraisal Practice (USPAP).

6. Respondent is required pursuant to N.J.A.C. 13:40A-5.3, -5.4 to have completed the equivalent of fourteen (14) classroom hours of instruction for each year during the period preceding renewal. The continuing education completed must include a seven-hour USPAP course, or its equivalent.

7. The Real Property Appraiser Qualification Criteria, issued by the Appraiser Qualifications Board of the Appraisal Foundation, do not recognize any reason apart from military service or inactive status as a justifiable reason for failure to timely complete continuing education requirements.

8. Respondent still has not demonstrated successful completion of the requisite 28 credit hours of continuing education, including the seven-hour USPAP course, required for the 2006-2007 licensing period.

CONCLUSIONS OF LAW

1. Respondent's failure to timely complete continuing education requirements constitutes a violation of N.J.A.C. 13:40A-5.3, -5.4, subjecting respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

2. Respondent's certification on her renewal form that she had successfully completed the 2006-2007 continuing education requirements constitutes misrepresentation, in violation of N.J.S.A. 45:1-21(b).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on July 16, 2008, provisionally suspending respondent's appraising license, as well as provisionally imposing public reprimand and a civil penalty in the amount of \$1,750.00. A copy of the Order was forwarded to respondent by certified and regular mail at her address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent replied to the Provisional Order, asking for consideration. She explained that she had performed less than ten appraisals in the last year, and that financial considerations caused her to postpone taking her continuing education until

"almost the last minute." The also indicated that she made an attempt, when she renewed her license on-line, to "do the right thing," but that in some manner the on-line registration process changed answers of "no" to "yes." The Board was not persuaded that these arguments warranted consideration, inasmuch as respondent knew or should have known that the information entered on the registration form was recording an inaccurate response, and respondent could have contacted the Board directly to discuss any difficulties she was having. Inasmuch as respondent has provided proof of belated completion of the 2006-2007 continuing education requirements, suspension of respondent's license is no longer applicable. The Board determined that inasmuch as no material discrepancies had been raised with respect to the findings of fact and conclusions of law of the Provisional Order, further proceedings were not necessary, and the Provisional Order should be made final.

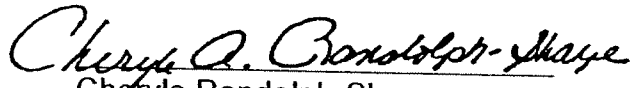
ACCORDINGLY, IT IS on this 1st day of October, 2008,

ORDERED that:

1. The suspension provisionally imposed by the Provisional Order of July 16, 2008 is hereby rescinded, inasmuch as respondent has demonstrated successful completion of the 2006-2007 continuing education requirements. Respondent's appraisal license remains in good standing.
2. A public reprimand is hereby imposed upon respondent for her violation of N.J.S.A. 45:1-21(b), (e) and (h).
3. A civil penalty in the amount of \$1,750 is hereby imposed upon

respondent. Payment shall be in the form of a certified check or money order, made payable to the State of New Jersey, and forwarded to the attention of Dr. James S. Hsu, Executive Director, Board of Real Estate Appraisers, P.O. Box 45032, 124 Halsey Street, 3rd Floor, Newark, NJ 07101, within twenty-one (21) days following issuance of this Order.

NEW JERSEY STATE
REAL ESTATE APPRAISER BOARD


Cheryl Randolph-Sharpe
Board President